

ORDINANCE NO. 61

**SHOHOLA TOWNSHIP
PIKE COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE SHOHOLA TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF JANUARY 10, 1991, TO:

ITEM 1 - REVISE SECTION 103-PURPOSE 1

ITEM 2 - ADD AND AMEND DEFINITIONS 1

ITEM 3 - REVISE THE SKETCH PLAN PROCESS 3

ITEM 4 - REQUIRE AN EXISTING RESOURCE AND SITE ANALYSIS PLAN 5

ITEM 5 - UPDATE REQUIREMENTS FOR CONTENTS OF SKETCH PLANS 5

ITEM 6 - REVISE PRELIMINARY PLAN REQUIREMENTS 6

ITEM 7 - PROVIDE FOR OPERATION AND MAINTENANCE OF OPEN SPACE 12

ITEM 8 - REVISE GENERAL PROVISIONS 17

ITEM 9 - LIMIT CLEARING AND GRUBBING OF STREET RIGHTS-OF-WAY 20

ITEM 10 - INCLUDE THE FOUR-STEP DESIGN PROCESS 20

ITEM 11 - INCLUDE OPEN SPACE STANDARDS 24

ITEM 12 - INCLUDE SITE PREPARATION AND CLEANUP STANDARDS 26

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Shohola Township, Pike County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Shohola Township Subdivision and Land Development Ordinance of January 10, 1991, as amended, is hereby amended as follows:

ITEM 1 - Revise Section 103 to read as follows:

103 Purpose

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of the Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to insure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of the Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the natural features of the Township. The basic tenet of subdivision and land development in the Township is basing design on land capability, encouraging flexibility of design via the *conservation subdivision design* process. Each development is based on the *existing resources and site analysis plan* and the *four-step* design process required by this Ordinance. This will provide larger areas of open space within subdivisions and result in interconnected open space areas throughout the Township.

ITEM 2 - Add and amend the following definitions in Article III:

Add –

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted.

Conservation Area, Secondary: Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment

and the rural character of the community.

Conservation Design Development: A development or subdivision designed at the dwelling unit density specified in the Zoning Ordinance for the Zoning District in which the development or subdivision is located where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

Conservation Open Space: That part of a particular conservation design development set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance and which meets the conservation open space requirements of the Township Subdivision and Land Development Ordinance. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Qualified Professional: An individual authorized to prepare plans pursuant to Section 503(1) of the Pennsylvania Municipalities Planning Code which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the "Landscape Architects Registration Law," when it is appropriate to prepare the plat using professional services set forth in the definition of the "practice of landscape architecture" under section 2 of that act.*

Stream or Watercourse: Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry storm water.

Amend –

Lot Area: The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). The net lot area shall not be less than the minimum required lot size for the Zoning District as determined by deducting the following areas of constrained land from the total lot size:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing or proposed public or private streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
designated wetlands	0.50
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.50
ponds, lakes and streams	1.00
If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive deduction only.	

ITEM 3 - Revise Section 302 to read as follows:

302 Sketch Plan

302.1 Sketch Plans

Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to submit a Sketch Plan to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Planning Commission.
- B. Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation.
- C. Determine if the plan is a major or a minor subdivision and/or land development.
- D. Assist applicants and officials to develop a better understanding of the property.
- E. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.
- F. Determine the extent to which the plan generally conforms with the provisions of this Ordinance.
- G. Determine any design parameters deemed necessary by the Township for conformance to the Township comprehensive plan.

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis Plan, prepared in accord with the requirements of Section 403.3, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan should be prepared on translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources/Site Analysis Map.

302.2 Contiguous Holdings

Where the owner of the site under consideration owns contiguous land suitable for development, the subdivision plan shall consider the future development of all such contiguous lands in order to be coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations. This provision, however, may be waived in full, or in part, by the Township if it is not considered essential to the evaluation of the plans for the current development tract.

302.3 Non-formal Filing

A Sketch Plan shall be considered a submission for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission.

302.4 Major Subdivisions and Land Developments – Sketch Plan Process

The following procedures shall apply to major subdivisions and land developments when a sketch plan is submitted:

- A. Pre-Application Meeting - A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the municipality's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections,

meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Plan at this meeting.

- B. Existing Resources and Site Analysis Plan - Applicants should submit an Existing Resources and Site Analysis Plan, in its context, prepared in accord with the requirements of Section 403.3. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection and form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).
- C. Site Inspection - After preparing the Existing Resources and Site Analysis Plan, the applicants shall be available for a site inspection of the property with Township officials, and shall distribute copies of said site analysis plan at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the participating Township officials. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated greenway lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.
- D. Pre-Sketch Conference - Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design. At the discretion of the Commission, this conference may be combined with the site inspection.
- E. Sketch Plan Submission and Review
 - 1. Copies of a Sketch Plan, meeting the requirements set forth in Section 401, shall be submitted to the Township Secretary during business hours at least seven (7) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Plan. The Sketch Plan shall also be designed in accordance with the four-step design process and with the design review standards listed in Section 614.
 - 2. The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the Township. The review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:
 - a. the location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Plan and on the Municipality's Map of Potential Conservation Lands;
 - b. the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
 - c. the location of proposed access points along the existing road network;

- d. the proposed building density and impervious coverage;
 - e. the compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan and the Open Space Plan; and
 - f. consistency with the zoning ordinance.
3. The Commission may submit written comments to the Applicant. The Sketch Plan may also be submitted by the Planning Commission to the County Planning Commission for review and comment.

ITEM 4 -

ITEM 4A - Add the following Subsection A and Subsection B to the opening of Section 303:

- A. Submissions Not Preceded by a Sketch Plan - If an applicant opts not to submit a Sketch Plan for a Major Subdivision or a Land Development, the Preliminary Plan shall include all information required for Sketch Plans listed in Section 401 specifically including the Existing Resources and Site Analysis Plan, plus further details as required by this Ordinance.
- B. Site Inspection - A site inspection shall be arranged and conducted in accord with Section 302.4,C.

ITEM 4B - Modify Section 303.1.1 as follows:

303.1.1 Plan to be Filed With the Township - Copies of the proposed Plan and all required supporting documentation shall be submitted to the Township Secretary by the Applicant or his authorized representative at least seven (7) days prior to the Planning Commission meeting at which the Plan is to be presented.

ITEM 5 - Revise Section 401 to read as follows:

401 Sketch Plan Overlay Sheet

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Township, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Plan (See Section 403.3), a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan. In fact, the diagrammatic Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis Plan.

- A. Name and address of the legal owner, the equitable owner, and/or the applicant;
- B. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
- C. Graphic scale (not greater than 1" = 200 ft.; however, dimensions on the plan need not be exact at this stage) and north arrow;
- D. Approximate tract boundaries, sufficient to locate the tract on a map of the municipality;
- E. Location map;
- F. Zoning district (if a zoning ordinance is in effect);
- G. Streets on and adjacent to the tract (both existing and proposed);

- H. 100-year floodplain limits;
- I. Approximate location of wetlands;
- J. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
- K. Schematic layout indicating a general concept for land conservation and development;
- L. Proposed general street and lot layout;
- M. General description of proposed method of water supply, sewage disposal, and stormwater management;
- N. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.

ITEM 6 - Revise Section 403 to read as follows:

403 Preliminary Plan Requirements for Land Developments and Major Subdivisions

Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law. The submission requirements for a Preliminary Plan shall consist of the following elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:

1. Site Context Map
2. Existing Resources and Site Analysis Plan
3. Preliminary Resource Impact and Conservation Plan
4. Preliminary Improvements Plan
5. Preliminary Studies and Reports as set forth in other parts of this ordinance.

403.1 Reserved

403.2 Site Context Map

A map showing the location of the proposed major subdivision within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall be at a scale not less than 1"= 200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400', and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

403.3 Existing Resources and Site Analysis Plan

For all major subdivisions (except those in which all proposed lots are to be ten or more acres in area), an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The Planning Commission shall review the Plan

to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included in this Plan:

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked
- B. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although 20-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 15 inches if not growing within any of the proposed conservation areas, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in un-sewered areas, for septic suitability).
- F. Ridge lines and watershed boundaries shall be identified.
- G. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- H. Geologic formations on the proposed development parcel based on available published information or more detailed data obtained by the applicant.
- I. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- J. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- K. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- L. All easements and other encumbrances of property which are or have been filed of record with the County Recorder of Deeds shall be shown on the plan
- M. Total acreage of the tract, the Adjusted Tract Area and the constrained land area with detailed supporting calculations.

403.4 Resource Impact and Conservation Plan

- A. A Preliminary Resource Impact and Conservation Plan shall be prepared for all major subdivision and land

development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis Plan (as required under Section 403.3). All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Conceptual Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.

- B. Using the Existing Resources and Site Analysis Plan as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas, i.e., areas directly impacted by the proposed major subdivision, (2) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted, and (3) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.
- C. In addition the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
 - 1. Description of existing resources as documented in Section 403.3.
 - 2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Resource Impact and Conservation Plan.
 - 3. Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.
 - 4. The qualifications and experience of the preparer of the report.
- D. This requirement for a Resource Impact and Conservation Plan may be waived by the Township if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan would be likely to cause no more than an insignificant impact upon the site's resources.

403.5 Preliminary Improvements Plan

This plan shall include the following items:

- A. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis Plan.
- B. Existing and proposed lot lines, lot areas, any existing easements and rights-of-way.
- C. Location, alignment, width, profile and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets.
- D. Location of proposed swales, drainage easements, stormwater and other management facilities.
- E. Where community sewage service is proposed, the conceptual layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities
- F. Where central water service is proposed, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.

- G. Location of all percolation tests as may be required under this ordinance, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.
- H. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- I. Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- J. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
- K. Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- L. Utilities and Easements
 - 1. Exact locations of existing utility easements and locations of proposed utility easements.
 - 2. Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (These data may be on a separate plan.)
 - 3. The location of proposed on-site sewage and water facilities.
- M. Location of proposed shade trees, plus locations of existing vegetation to be retained.
- N. Signature blocks for Township approval shall be provided on the right-hand side of the Preliminary Improvements Plan.
- O. Zoning data (if a zoning ordinance is in effect), including all of the following, when applicable:
 - 1. Zoning district designations.
 - 2. Zoning district boundary lines transversing the proposed major subdivision and/or development.
 - 3. Zoning district boundary lines within one thousand (1000) feet of the proposed major subdivision and/or development, shown on location map.
- P. A title block shall be included on the lower right corner.
- Q. Name of project.
- R. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
- S. Name and address of developer if different from landowner (if a corporation give name of each officer).

- T. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- U. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- V. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts (if zoning is in effect), water courses and any area subject to flooding.
- W. North arrow (true or magnetic).
- X. Graphic scale and written scale
- Y. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.

403.6 Supporting Documents and Information

The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions:

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Superelevated sections.
 - 4. Typical parallel drainage.
- B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the major subdivision and/or development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property and latest deed of record.
- G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
 - 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 - 2. Design of any central water supply system.
 - 3. Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
 - 4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 - 5. A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility

Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.

H. Sewage Disposal Information

1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
2. Private sewage treatment plants and community on-lot systems - A design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Township may require a Professional Engineer's certification of such list.

J. Soil erosion and sedimentation control plan for approval by the Conservation District.

K. Drainage/stormwater management plan meeting the requirements of this ordinance and any Stormwater Management Ordinance adopted by the Township.

L. Bridge designs and a statement by the applicants engineer regarding any approvals required by the state or federal government.

M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.

N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

O. Highway occupancy permits.

P. A plan for the ownership of and maintenance of all improvements and common areas as required by Section 507 of this Ordinance.

403.7 Additional Information

The Township shall require any other necessary information based on the specific characteristics of the proposed project.

403.8 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with Preliminary Plan applications.

403.9 Preliminary Plan Engineering Certification

Prior to approval of the Preliminary Plan, the applicant shall submit to the Township a *Preliminary Plan Engineering Certification* stating that the layout of proposed streets, house lots, and open lands complies with the Township's ordinances, particularly those sections governing the design of subdivision streets and stormwater management facilities, and that all improvements will be installed in accord with the specific requirements of this Ordinance or any waivers or modifications granted by the Township. This certification requirement is meant to provide the Township with assurance that the proposed plan is able to be accomplished within the Township's current regulations.

ITEM 7 - Add Section 508 as follows:

508 Open Land and Recreation Land -- Ownership and Maintenance

This Section 508 shall apply to any development which involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Board of Supervisors (referred to as "open space") as required by this Ordinance.

508.1 Purpose

The requirements of this Section 508 are intended to assure in perpetuity the ownership, use and maintenance of open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the open space.

508.2 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved open space. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Board of Supervisors, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Board of Supervisors.

- A. The Plan shall define ownership.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- D. The Board of Supervisors may require the applicant to escrow sufficient funds for the maintenance and operation costs of common facilities.
- E. Any changes to the maintenance plan shall be approved by the Board of Supervisors.

508.3 Use Restriction

The use of any open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance.

508.4 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of open space shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

508.5 Methods for Use Dedication and Open Space Ownership and Maintenance

The use of open space and open space ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors

that the chosen method(s) will preserve the open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land.

All methods shall establish a mechanism for the Board of Supervisors to effect the use dedication and require operation and maintenance of open space, should the means established by the developer fail to provide the same.

All methods for use dedication and open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

508.5.1 Property Owners Association or Condominium Agreements - All open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the open space, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot owners.
- C. Provision is made for the maintenance of open space during the lot sale period and the orderly transition of responsibility from the developer to the POA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the open space responsibilities.

508.5.2 Transfer to a Private Conservation Organization - In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and open space ownership and maintenance standards of this Article and this Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
- D. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

508.5.3 Deed Restricted (Non-Common) Private Ownership - Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the open space.

508.5.4 Deed or Deeds of Trust - The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

508.5.5 Conservation Easements Held by the Township - In the case of open lands and recreation lands, the Board of Supervisors may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used in accord with the requirements of this Ordinance and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

508.5.6 Fee Simple and/or Easement Dedication to the Township - In the case of open lands or recreation lands, the Board of Supervisors may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Board of Supervisors agrees to and has access to maintain such lands.

508.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Open Space

Should the method established for the dedication of use and operation and maintenance of open space fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:

508.6.1 Notice - The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of open space.

508.6.2 Correction of Deficiencies - The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

508.6.3 Public Hearing - A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

508.6.4 Failure to Correct - In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the open space and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any open space, nor vest in the public the right to use any open space.

508.6.5 Reinstatement of Responsibility - The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

508.6.6 Appeal - Any party to the action of the Board of Supervisors may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.

508.6.7 Public Costs - The costs of the preservation of use dedication and the cost of maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and

legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the open space. The assessment shall be made by lien on the properties, and the Board of Supervisors shall, at the time of the notice in Section 508.6.1 above, shall file the required notice of lien against the properties.

ITEM 8 - Revise Section 601 to read as follows:

601 General Provisions

The general provisions contained in this Section 601 shall apply to the planning of all subdivisions and land developments, and are intended for the preservation of the environment and the promotion of the public health, safety and general welfare and shall be considered in such terms by the Township Planning Commission and by the Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

A. Application of Specific Standards

Many of the provisions in this Section 601 are intended to be advisory to applicants for the planning of subdivisions and land developments. However, in cases where a specific standard is provided, it shall be applied as stipulated. Where specific standards in this Section 601 are not provided, the specific standards in the balance of Article III, Article IV and Article V shall be applied.

B. Full Development Potential; Clarification of Terms

Nothing in this Section 601 is intended to prevent an applicant from achieving the full development potential of a tract of land provided such development meets all of the specific development standards in this Ordinance and other Township ordinances. As used in this Section 601, the term *should* is advisory; and *minimize(d)* shall mean reduce(d) to the smallest possible amount, extent, size, or degree within the limits of the applicant's plans and the requirements of this Ordinance and other Township ordinances.

601.1 Site Considerations and Requirements

- A. **Planning** - The development shall be consistent with the proposals and conditions shown in the Township Comprehensive Plan and any local or regional plans adopted by a municipality to which this ordinance applies. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Plan or Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments the applicant shall submit a narrative detailing how the development conforms to any applicable plan.
- B. **Contiguous Lands** - Where the owner of the site under consideration owns contiguous land suitable for development, the subdivision plan shall consider the future development of all such contiguous lands in order to be coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations. This provision, however, may be waived in full, or in part, by the Township if it is not considered essential to the evaluation of the plans for the current development tract.
- C. **Improvements, Specifications** - Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Board of Supervisors, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Township and/or to protect the environment of the Township.
- D. **Hazard Areas** - Those areas which may present such hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional,

county or local municipal policies.

E. Remnants; Development Design; Neighboring Development - All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations.

F. Natural Features - Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land.

1. Natural Features in Major Subdivisions and Land Developments

a. Groundwater Resources - This section is intended to ensure that the Township's groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. All major subdivisions and land developments shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

b. Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality and the health of aquatic communities, and wildlife habitats. Such areas are generally poorly suited for on-site subsurface sewage disposal systems. The following activities shall be minimized:

- 1) Disturbance to streams and drainage swales.
- 2) Disturbance to wetlands, areas with seasonally high water tables, and areas of surface water concentration.

c. Woodlands - Woodlands occur extensively throughout the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes. Woodland conditions within the Township vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:

1. As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge
2. As a means of ameliorating harsh micro-climatic conditions, in both summer and winter.
3. As a source of wood products, i.e., poles, saw timber, veneer and firewood
4. As habitats for woodland birds, mammals and other wildlife.
5. As recreation resources for walkers, equestrians, picnickers and other related outdoor activities
6. As visual buffers between areas of development and adjacent roads and properties.

Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as conservation open space or development lands. Evaluation criteria

include:

- 1) Configuration and size.
- 2) Present conditions, i.e., stocking, health and species composition.
- 3) Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
- 4) Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
- 5) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.

The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria above.

In designing a major subdivision or land development plan for any tract, the applicant shall be guided by the following standards:

- 1) Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
- 2) Developments shall be designed to minimize the disturbance of woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them should be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, under story and canopy vegetation.
- 3) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be minimized. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.
4. Upland Rural-Agricultural Areas - These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Township's historic working landscape, dotted with historic houses, barns and other structures. They give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. Such areas sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development. These include prime agricultural soils and natural features which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops. These areas can also accommodate development, with preferred locations being the non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).
5. Slopes - Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

- a. Areas of steep slope shall be preserved in accordance with the Zoning Ordinance.
 - b. All grading and earthmoving on slopes exceeding fifteen (15) percent shall be minimized.
 - c. Roads and driveways should follow the line of existing topography to minimize the required cut and fill.
6. Significant Natural Areas and Features - Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented, by the Statewide Natural Diversity Inventory and the Pike County Natural Areas Inventory, for example, whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features by incorporating them into proposed conservation open space areas or avoiding their disturbance in areas proposed for development.
- G. Historic Structures and Sites - The Township's documented historical resources begin with the Native Americans in the early 18th century and extend through its colonial agricultural, residential and industrial development in the late 18th and 19th centuries. Subdivisions and land developments should be designed to protect existing historic resources. The protection of an existing historic resource can be accomplished by modifying the design, relocating proposed lot lines, or providing landscape buffers. The applicant shall notify the Township of all interaction with the State Historical and Museum Commission with regard to the preservation of historic resources as required for DEP approval of proposed sewage disposal systems.
- H. Trails - When a subdivision or land development proposal is traversed by or abuts an existing public trail, the Board of Supervisors shall require the applicant to make provisions for continued recreational use of the trail.
1. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
 - a. The points at which the trail enters and exits the tract remain unchanged.
 - b. The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (For example: Bureau of State Parks publication Non-Motorized Trails).
 - c. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
 2. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Board of Supervisors upon recommendation of the Township Solicitor.
 3. The land area permanently designated for trails for public use may be credited toward any conservation open space requirement.
 4. An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward any conservation open space requirement.
 5. Trail improvements shall demonstrate adherence to principles of quality trail design.
 6. Trails shall have a vertical clearance of no less than ten (10) feet.
 7. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
 8. No trail shall be designed with the intent to accommodate motorized vehicles.

- I. Boundary Lines and Reserve Strips - Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- J. Water Frontage and Surface Drainage - Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the Pike Conservation District, the Pennsylvania Department of Environmental Protection, and the US Army Corps of Engineers.
- K. Community Facilities and Comprehensive Plan Requirements - Where a proposed park, playground, school, or other public use is shown in the Township comprehensive plan and is located in whole or in part in a proposed development, the Township may require the reservation of such area provided that such reservation is acceptable to the Township and the developer.
- L. Walkways - Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities and open space.
- M. Storm Drainage - Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Where applicable, detention basins or other water retention methods shall be required by the Township.

601.2 Planned Improvements

Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the approved preliminary plan.

601.3 Improvements Specifications

All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township and advice of the Township Engineer.

- A. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, the County, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.
- B. If there are no applicable regulations, the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

601.4 Other Ordinances

Whenever other Township ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed, otherwise, the standards and requirements of this Ordinance shall apply. In addition, any development or any activity undertaken or facilities provided pursuant to this Ordinance shall comply with any and all applicable state and federal regulations.

601.5 Modifications

The standards and requirements of this Ordinance may be modified (pursuant to Section 702), by either increasing or decreasing the said standards and/or requirements, by the Township Supervisors, upon recommendation of the Township Planning Commission, where such modifications achieve substantially the objectives of this Ordinance, will not unduly tax Township fiscal service obligations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision and/or development plan.

ITEM 9 - Revise the first sentence of Section 603.18 to read as follows:

603.18 Clearing and Grubbing

No vegetation shall be removed from that area between the edge of the cartway and the right-of-way line except as required for the installation of utilities and drainage facilities, or for the purposes of cut and fill to meet required road grade standards.

ITEM 10 - Add the following Section 614:

614 Four-Step Design Process for Major Subdivisions and Land Developments

All Preliminary Plans for all major subdivisions all and land developments shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets and lot lines, as described below

614.1 Resource Inventory and Analysis

The tract's resources shall be delineated on the Existing Resources and Site Analysis Plan.

614.2 Four-Step Design Process

A. Step 1: Delineation of Conservation Open Space

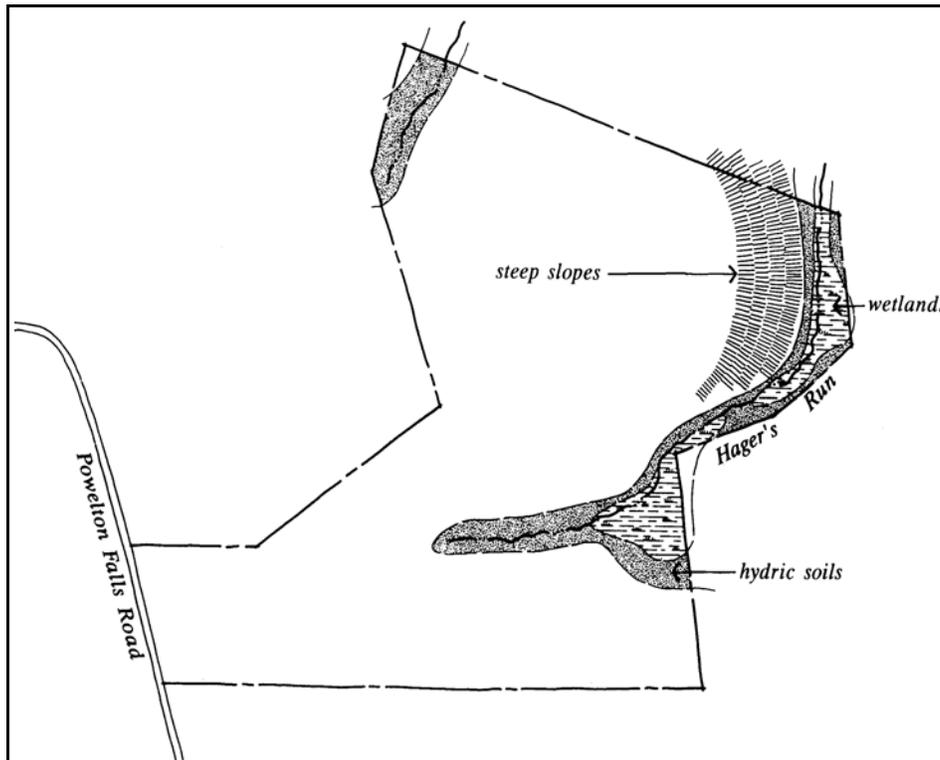
1. Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in Section 615.1 and Section 615.2.
2. Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with this Section 614 and Section 603, dealing with resource conservation and conservation open space delineation standards. The Township's Map of Potential Conservation Lands shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent.
3. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission and in accordance with Section 615.1 and Section 615.2.
4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.
5. Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.

- B. Step 2: Location of House Sites** - Potential house sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and 50 feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

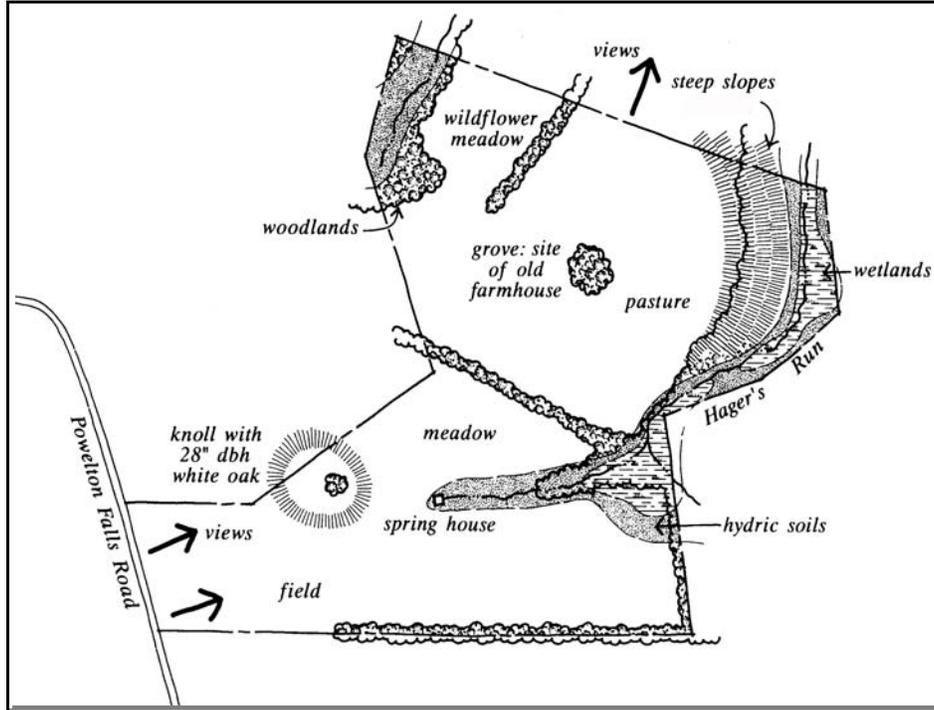
C. Step 3: Alignment of Streets and Trails

1. With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
2. Streets shall avoid or at least minimize adverse impacts on the conservation open space areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.
3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.
4. A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved conservation open space. Potential trail connections to adjacent parcels shall also be shown, in areas where a municipal trail network is envisioned.

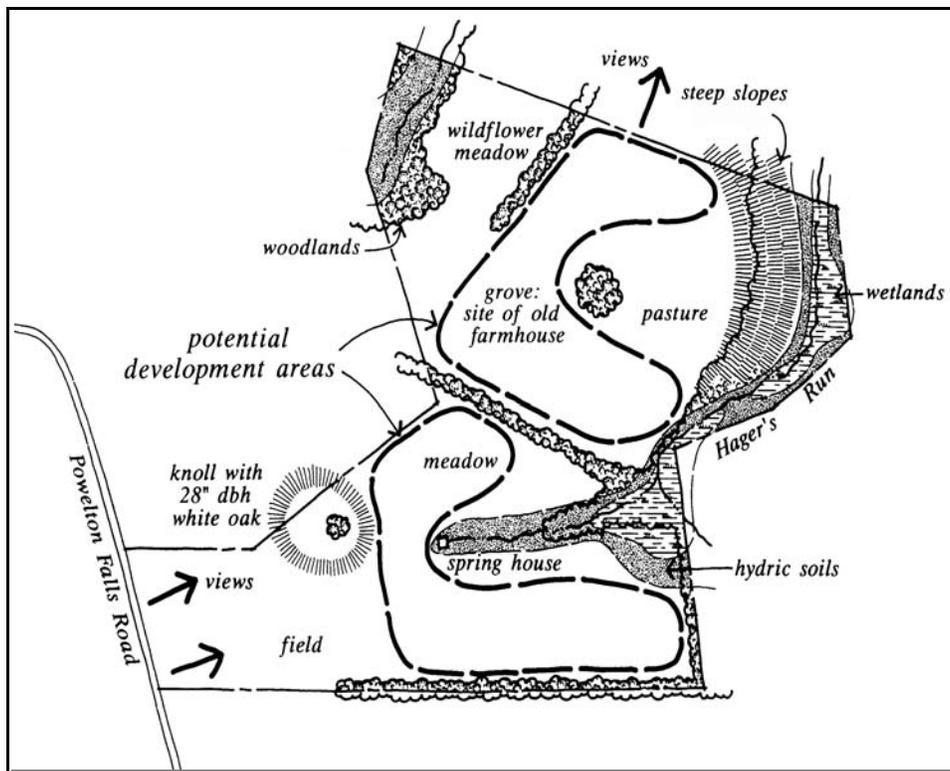
(NOTE: Diagrams are for illustrative purposes only.)



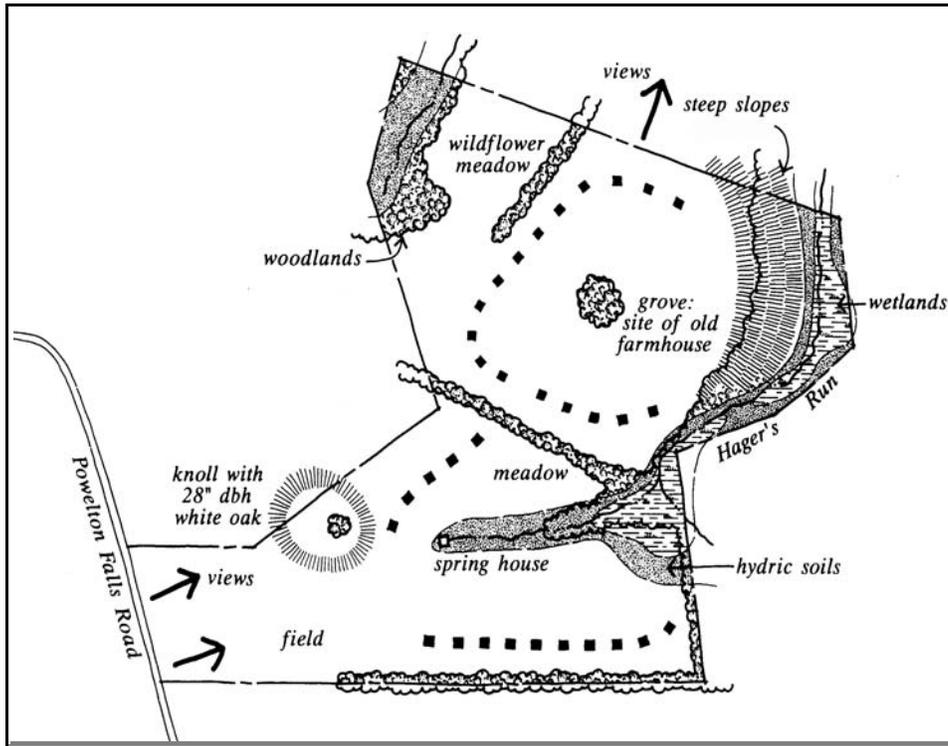
Step 1, Part 1 – Identifying Primary Conservation Areas



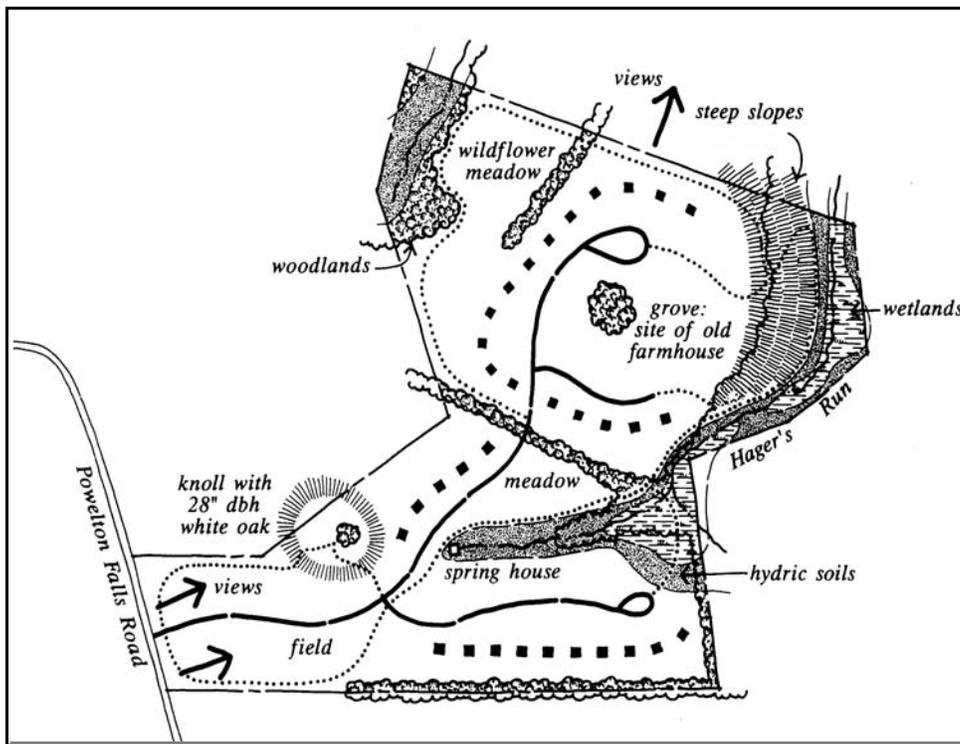
Step 1, Part 2 – Identifying Secondary Conservation Areas



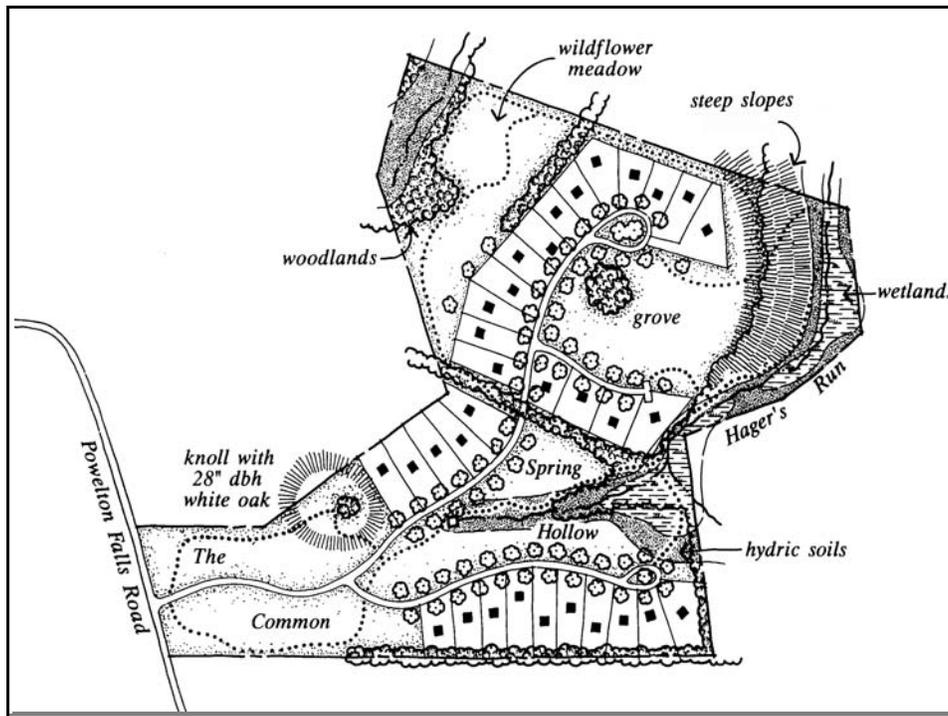
Step 1, Part 3 – Identifying Potential Development Areas



Step 2 – Locating Potential House Sites



Step 3 – Aligning Streets and Trail Links



Step 4 – Drawing in the Lot/Development Lines

- D. Step 4: Drawing in the Lot/Development Lines - Upon completion of the preceding three steps, boundaries are drawn as required to delineate the boundaries of individual lots or development areas, following the configuration of house sites and streets in a logical and flexible manner.

ITEM 11 - Add the following Section 615:

615 Conservation Open Space Standards

Conservation open space shall be preserved in accord with Section 508 of this Ordinance.

615.1 Prioritized List of Resources to be Conserved

The design of conservation open space proposed in any subdivision or land development plan shall reflect the standards set forth in Section 601, resources identified on the Township's Map of Potential Conservation Lands and, to the fullest extent possible, incorporate any of the following resources if they occur on the tract (listed in order of significance):

- A. Stream channels, floodplains, wetlands, vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.
- B. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory and the Pike County Natural Areas Inventory.
- C. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- D. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and

protection of streams, wetlands, and wildlife habitats.

- E. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- F. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.
- G. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
- H. Historic structures and sites.
- I. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- J. Existing trails connecting the tract to other locations in the Township.

615.2 Other Design Considerations

The configuration of proposed conservation open space set aside for use in residential subdivisions and conservation open space in non- ownership shall comply with the following standards:

- A. Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
- B. Generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four-to-one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- C. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation open space.
- D. Be suitable for active recreational uses to the extent deemed necessary by the Supervisors, without interfering with adjacent dwelling units, parking, driveways, and roads.
- E. Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.
- F. Provide buffers to adjoining parks, preserves or other protected lands.
- G. Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.
- H. Be undivided by public or private streets, except where necessary for proper traffic circulation.
- I. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.

- J. Be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the open space for such uses.
- K. Be consistent with the Township's Comprehensive Plan and any other duly adopted Township or regional plan.

ITEM 12 - Add the following Section 616:

616 Resource Conservation Standards For Site Preparation and Cleanup

(Note: This section applies only in cases where earth disturbance is involved as part of a land development or a major subdivision as defined by this Ordinance. A minor subdivision often results in the eventual construction of a house, but the issuance of a building permit would not occur until after the subdivision has been approved and recorded.

616.1 Protection of Vegetation from Mechanical Injury

Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Planning Commission may require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of, and shall be maintained throughout, the period of construction activity.

616.2 Protection of Vegetation from Grading Change

Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

616.3 Protection of Vegetation from Excavations

When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

616.4 Protection of Topsoil

1. Except as approved on the Preliminary Plan, no topsoil shall be removed from the project site and shall be retained on the site as necessary for proper site stabilization.
2. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site, except as approved on the Preliminary Plan.
3. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized in accord with best management practices.
4. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

ADOPTION

BE IT HEREBY ENACTED AND ORDAINED THIS ____ DAY OF _____ 2006 by the Board of Supervisors of Shohola Township, Pike County, Pennsylvania.

ATTEST:
